

DOCKET NO: 250980US8DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

:

YOSHIHIRO EMORI, ET AL.

: EXAMINER: DIACOU, ARI M.

SERIAL NO: 10/824,402

:

FILED: APRIL 15, 2004

: GROUP ART UNIT: 3663

FOR: RAMAN AMPLIFIER, OPTICAL
REPEATER, AND RAMAN
AMPLIFICATION METHOD

:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE

TO RECEIVE OFFICE COMMUNICATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Abandonment dated November 6, 2007, it is hereby declared that the firm Oblon, Spivak, McClelland, Maier and Neustadt, P.C. did not receive the Miscellaneous Office Communication issued by the U.S. Patent and Trademark Office (USPTO) with the mail date of June 7, 2007, by electronic mail or U.S. Postal Mail.

On November 7, 2007, we received the Notice of Abandonment dated November 6, 2007, indicating that the above-identified application is currently abandoned due to failure to respond to a Miscellaneous Office Communication dated June 7, 2007. After receiving the Notice of Abandonment, our personnel checked our firm's PTO Mail Log (Exhibit A), PAIR's Image File Wrapper and Transaction History sections (Exhibit B) and determined that we never received the Miscellaneous Office Communication by U.S. Postal Mail, electronically or in any other form.

All mail received from the USPTO is logged in the firm's PTO Mail Log by serial number or patent number, along with a description of the mail received on a daily basis. Mail from the USPTO is generally received by our firm within two to three days of mailing. Our personnel searched the firm's PTO Mail Log and found that it contained no record of the firm having received a Miscellaneous Office Communication dated November 6, 2007.

Our personnel checked PAIR's Image File Wrapper and Transaction History sections to obtain a copy of the Miscellaneous Office Communication and to determine if the communication was sent to the firm by the USPTO via electronic mail. We discovered that the Image File Wrapper did not list the Miscellaneous Office Communication dated June 6, 2007, and therefore we were unable to view and download a copy of the communication for our records. As of today, we have not seen this "Miscellaneous Office Communication". Although PAIR's Transaction History section for the above-identified application clearly lists the Miscellaneous Office Communication dated June 6, 2007, we noticed that there was no documentation indicating that the USPTO sent this communication to the firm via electronic mail.

As evidence of the searches described above, attached herewith are copies of: Exhibit A) a copy of the search result from the firm's daily PTO Mail Log of all mail received from the USPTO for the above-identified application; and Exhibit B) a copy of PAIR's Image File Wrapper and Transaction History sections for the above-identified application.

In light of the foregoing, the undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

Application No. 10/824,402
Reply to the Notice of Abandonment of November 6, 2007

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Customer Number

22850

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(OSMMN 08/07)

I:\ATTY\BDL\25s\250980US-8DIV\PETITION TO WD
FROM ABANDONMENT 12-17-07.DOC

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

EXHIBIT A:

- Copy of the Firm's PTO Mail Log for U.S. Application Serial No. 10/824,402

PTO Mail Log Report

Mail Type	CD/FIRE, P	Application#	Patent# / Reg #	CaseId	Base Date	Date Recd
ADV SNC		10/824,402		250980US		04-21-2004
OFR		10/824,402		250980US	06-23-2004	06-25-2004
Patent Notice of Publication		10/824,402		250980US		10-13-2004
RESTRICTION		10/824,402		250980US	12-22-2005	12-23-2005
RESTRICTION		10/824,402		250980US	02-21-2006	02-22-2006
REJECTION		10/824,402		250980US	04-11-2006	04-12-2006
ALLOWANCE/ALLOWABILITY		10/824,402		250980US	12-20-2006	12-22-2006
S/ALLOWABILITY		10/824,402		250980US	01-05-2007	01-08-2007
S/ALLOWABILITY	P	10/824,402		250980US	03-23-2007	03-28-2007
NFile Corr. Appln Papers	R	10/824,402		250980US	03-29-2007	04-04-2007
N/ABAND	P	10/824,402		250980US	11-06-2007	11-07-2007

EXHIBIT B:

- Copy of PAIR's Image File Wrapper and Transaction History for U.S. Application No. 10/824,402

10/824,402	RAMAN AMPLIFIER, OPTICAL REPEATER, AND RAMAN AMPLIFICATION METHOD	01-04-2008::15:34:16
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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Code	Document Description	Document Category	Page Count
11-06-2007	ABN	Abandonment	PROSECUTION	1
04-12-2007	CFILE	Request for Corrected Filing Receipt	PROSECUTION	2
04-12-2007	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
04-12-2007	DRW	Drawings-only black and white line drawings	PROSECUTION	1
03-23-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
03-23-2007	1449	List of References cited by applicant and considered by examiner	PROSECUTION	1
03-14-2007	IFEE	Issue Fee Payment (PTO-85B)	PROSECUTION	1
03-14-2007	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
03-14-2007	ADS	Application Data Sheet	PROSECUTION	1
03-14-2007	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	2
03-14-2007	N417	Status Letter Mailed to Applicant	PROSECUTION	2
02-12-2007	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	2
02-12-2007	FOR	Foreign Reference	PRIOR ART	53
02-12-2007	FOR	Foreign Reference	PRIOR ART	100
02-12-2007	FOR	Foreign Reference	PRIOR ART	12
02-12-2007	NPL	NPL Documents	PRIOR ART	13
01-05-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	2
01-05-2007	1449	List of References cited by applicant and considered by examiner	PROSECUTION	1
12-20-2006	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
12-20-2006	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	4
12-20-2006	892	List of references cited by examiner	PROSECUTION	1
12-20-2006	1449	List of References cited by applicant and considered by examiner	PROSECUTION	4
12-20-2006	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
12-20-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
12-06-2006	SRNT	Examiner's search strategy and results	PROSECUTION	2
10-11-2006	A...	Amendment - After Non-Final Rejection	PROSECUTION	1
10-11-2006	CLM	Claims	PROSECUTION	11
10-11-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
10-11-2006	XT/	Extension of Time	PROSECUTION	1
10-11-2006	TRTC	Transmittal to TC	PROSECUTION	1
10-11-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
04-11-2006	CTNF	Non-Final Rejection	PROSECUTION	7
04-11-2006	1449	List of References cited by applicant and considered by examiner	PRIOR ART	6
04-11-2006	892	List of references cited by examiner	PRIOR ART	1
04-11-2006	NPL	NPL Documents	PRIOR ART	2
04-11-2006	BIB	Bibliographic Data Sheet	PROSECUTION	1

04-11-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
04-01-2006	SRNT	Examiner's search strategy and results	PROSECUTION	2
03-23-2006	ELC.	Response to Election / Restriction Filed	PROSECUTION	3
02-21-2006	CTRS	Requirement for Restriction/Election	PROSECUTION	8
01-23-2006	ELC.	Response to Election / Restriction Filed	PROSECUTION	2
12-22-2005	CTRS	Requirement for Restriction/Election	PROSECUTION	8
12-22-2005	BIB	Bibliographic Data Sheet	PROSECUTION	1
04-15-2004	TRNA	Transmittal of New Application	PROSECUTION	2
04-15-2004	SPEC	Specification	PROSECUTION	54
04-15-2004	CLM	Claims	PROSECUTION	12
04-15-2004	ABST	Abstract	PROSECUTION	1
04-15-2004	DRW	Drawings-only black and white line drawings	PROSECUTION	66
04-15-2004	OATH	Oath or Declaration filed	PROSECUTION	3
04-15-2004	ADS	Application Data Sheet	PROSECUTION	3
04-15-2004	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	7
04-15-2004	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	1
04-15-2004	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
04-15-2004	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1

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10/824,402	RAMAN AMPLIFIER, OPTICAL REPEATER, AND RAMAN AMPLIFICATION METHOD	01-04-2008::15:35:01
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Transaction History

Date	Transaction Description
11-07-2007	Email Notification
11-06-2007	Mail Abandonment for Failure to Correct Drawings/Oath
08-08-2007	Abandonment for Failure to Correct Drawings/Oath/NonPub Request
06-07-2007	TC Return to Pubs
06-07-2007	Mail Miscellaneous Communication to Applicant
06-05-2007	Miscellaneous Communication to Applicant - No Action Count
05-07-2007	Dispatch to FDC
04-12-2007	Workflow - Drawings Finished
04-05-2007	Application Is Considered Ready for Issue
03-29-2007	Electronic Review
03-29-2007	Email Notification
03-28-2007	Email Notification
03-29-2007	Mail Miscellaneous Communication to Applicant
03-27-2007	Miscellaneous Communication to Applicant - No Action Count
03-23-2007	Mail Miscellaneous Communication to Applicant
03-14-2007	Miscellaneous Incoming Letter
02-12-2007	Information Disclosure Statement considered
03-14-2007	Issue Fee Payment Verified
03-14-2007	Issue Fee Payment Received
03-05-2007	Miscellaneous Communication to Applicant - No Action Count
02-12-2007	Information Disclosure Statement (IDS) Filed
02-12-2007	Information Disclosure Statement (IDS) Filed
01-05-2007	Mail Miscellaneous Communication to Applicant
01-04-2007	Miscellaneous Communication to Applicant - No Action Count
12-20-2006	Mail Notice of Allowance
12-07-2006	Notice of Allowance Data Verification Completed
10-19-2006	Date Forwarded to Examiner
10-11-2006	Response after Non-Final Action
10-11-2006	Request for Extension of Time - Granted
04-11-2006	Mail Non-Final Rejection
04-10-2006	Non-Final Rejection
04-15-2004	Information Disclosure Statement considered
03-29-2006	Date Forwarded to Examiner
03-23-2006	Response to Election / Restriction Filed
02-21-2006	Mail Notice of Informal or Non-Responsive Amendment
01-30-2006	Date Forwarded to Examiner
01-23-2006	Informal or Non-Responsive Amendment after Examiner Action
01-23-2006	Response to Election / Restriction Filed
12-22-2005	Mail Restriction Requirement
12-20-2005	Requirement for Restriction / Election
11-19-2005	Case Docketed to Examiner in GAU
07-20-2004	IFW TSS Processing by Tech Center Complete
07-20-2004	Case Docketed to Examiner in GAU
04-15-2004	Reference capture on IDS
04-15-2004	Information Disclosure Statement (IDS) Filed

04-15-2004 Information Disclosure Statement (IDS) Filed
06-23-2004 Application Return from OIPE
06-23-2004 Application Return TO OIPE
06-23-2004 Application Dispatched from OIPE
06-23-2004 Application Is Now Complete
05-15-2004 Cleared by OIPE CSR
04-22-2004 IFW Scan & PACR Auto Security Review
04-15-2004 Initial Exam Team nn

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